

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE GUARDIAN NEWS, INC.,

07 Civ. 3804 (CLB)

Plaintiff,

Answer

-against-

Jury Trial Demanded

VILLAGE OF LARCHMONT, New York,

Defendant.

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Defendant, Village of Larchmont, by their attorneys, Rice & Amon, as and for its answer to the complaint, alleges as follows:

1. Denies the allegations set forth in paragraph “1” of the complaint and respectfully refers all questions of law to the Court.
2. Denies the allegations set forth in paragraph “2” of the complaint and respectfully refers all questions of law to the Court.
3. Denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph “3” of the complaint.
4. Denies the allegations set forth in paragraph “4” of the complaint except admits that the Village of Larchmont is a municipal corporation pursuant to the laws of the State of New York and respectfully refers the Court to the full text of Chapter 245 of the Village Code.

ANSWERING THE FIRST CLAIM

5. Answering the allegations set forth in paragraph “5” of the complaint, Defendant repeats the denials and responses set forth in answer to paragraphs “1” through “4” of the complaint.

6. Denies the allegations set forth in paragraph “6” of the complaint.

ANSWERING THE SECOND CLAIM

7. Answering the allegations set forth in paragraph “7” of the complaint, Defendant repeats the denials and responses set forth in answer to paragraphs “1” through “4” of the complaint.

8. Denies the allegations set forth in paragraph “8” of the complaint.

ANSWERING THE THIRD CLAIM

9. Answering the allegations set forth in paragraph “9” of the complaint, Defendant repeats the denials and responses set forth in answer to paragraphs “1” through “4” of the complaint.

10. Denies the allegations set forth in paragraph “10” of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

11. Plaintiff has failed to obtain a final decision as to the application of the provision from the Defendant and, as a result, the action is not ripe.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

12. Plaintiff is not aggrieved by any action or determination of the Defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

13. The provisions of the City Code challenged herein are not applicable to newspaper vending machines or new racks.

AS AND FOR A FOURTH DEFENSE

14. The provisions of the City Code challenged herein constitute permissible reasonable, time, place and manner regulations.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

15. The claims are barred by the statute of limitations.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

16. The complaint fails to state a claim for which relief may be granted.

Dated: Suffern, New York
August 3, 2007

Rice & Amon

Terry Rice

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